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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-11-00480 SBA
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO OCTOBER 24, 2011
v.)	AND TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT AND ORDER
)	
ALFREDO COBIAN, JR.,)	
)	Hearing Date: September 19, 2011
Defendant.)	Time: 10:00 a.m.
)	
)	

The above-captioned matter is set on September 19, 2011 before this Court for a status hearing. The parties jointly request that the Court continue the matter to October 24, 2011 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between September 19, 2011 and October 24, 2011.

On July 14, 2011, the Grand Jury charged Alfredo Cobian as a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g). He faces a statutory maximum of ten years in custody. Mr. Cobian made his initial appearance on July 20, 2011, and the magistrate court released Mr. Cobian on a secured bond on July 25, 2011.

The current status of the case is that the parties are negotiating this matter and anticipate that there will be a negotiated disposition of the case. In the meantime, the government has

1 produced discovery to the defense and defense counsel needs additional time to review and
2 process the discovery provided and to discuss those materials with her client. The defense also
3 requires additional time to complete its investigation of the circumstances of the offense and to
4 collect Mr. Cobian's prior conviction records to prepare an estimate of his anticipated Guidelines
5 range.

6 The requested continuance will allow the defense to complete its review of the discovery,
7 to investigate the underlying facts of the case, and to obtain and review records. For this reason,
8 the parties agree that the failure to grant this continuance would unreasonably deny counsel for
9 defendant the reasonable time necessary for effective preparation, taking into account the
10 exercise of due diligence.

11 The parties further stipulate and agree that the ends of justice served by this continuance
12 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
13 parties agree that the period of time from September 19, 2011 to October 24, 2011, should be
14 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
15 and (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due
16 diligence.

17 DATED: September 15, 2011

/S/
JENNIFER GASPAR
Assistant United States Attorney

19 DATED: September 15, 2011

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the government has produced discovery in this case and that defense counsel needs time to complete its review the discovery and to discuss the discovery materials with her client;


2. Given that the defense needs additional time to continue to investigate the underlying facts of the case and to obtain records to calculate defendant's sentencing Guidelines range;

3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of September 19, 2011 scheduled at 10:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and reset for October 24, 2011 at 10:00 a.m. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from September 19, 2011 to October 24, 2011.

DATED: 9/16/11


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge